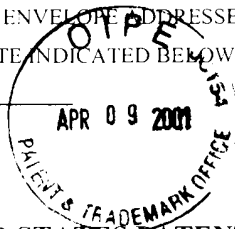


I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231, ON THE DATE INDICATED BELOW.

BY: Kate Carter

Date: April 5, 2001



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	Patent Application of PROCKOP et al.	: Attn: Application Branch
		:
		:
Appln. No.:	09/695,769	:
		:
		:
Filed:	October 25, 2000	:
		:
		:
For:	ISOLATION AND EXPANSION OF HUMAN MARROW STROMAL CELLS	: Attorney Docket
		: No. 9598-101U2
		: (053844-5006)

**REFUND REQUEST AND TRANSMITTAL OF
STATEMENT CLAIMING SMALL ENTITY STATUS**

In reference to the above-identified patent application. Applicants, through their undersigned representative, herewith claim Small Entity Status. At the time of filing the Applicants were a Small Entity.

It is also requested at this time that a refund of \$784.00 be applied to the account of Morgan, Lewis & Bockius, L.L.P., Deposit Account No.50-0310, pursuant to the filing of this statement claiming Small Entity Status. One additional copy of this paper is being forwarded to the Refunds Department, Box 17.

Respectfully submitted,

PROCKOP ET AL.

April 5, 2001
(Date)

By: Kathryn Doyle
KATHRYN DOYLE, PH.D., J.D.
Registration No. 36,317
MORGAN, LEWIS & BOCKIUS, L.L.P.
1701 Market Street
Philadelphia, PA 19103
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E-Mail: kdoyle@morganlewis.com

KD/kck

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231, ON THE DATE INDICATED BELOW:

BY:

Kate C. Korman

DATE:

April 5, 2001



**PATENT
BOX MISSING PARTS**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re:	Patent Application of PROCKOP <i>et al.</i>	: Group Art Unit: Not Yet Assigned : : :
Appln. No.:	09/695,769	: Examiner: Not Yet Assigned : :
Filed:	October 25, 2000	: : Attorney Docket
For:	ISOLATION AND EXPANSION OF HUMAN MARROW STROMAL CELLS	: No. 9598-101U2 : (053844-5006)

**TRANSMITTAL OF MISSING PARTS OF APPLICATION –
FILING DATE GRANTED**

In response to the Notice to File Missing Parts dated December 22, 2000, the following is submitted herewith:

- ☒ [X] Copy of the Notice to File Missing Parts of Application – Filing Date Granted, mailed December 22, 2000.
- ☐ [] No Notice to File Missing Parts has been received.
- ☒ [X] One (1) Declaration and Power of Attorney.
- ☐ [] Verified English translation of application as filed.
- ☐ [] Priority document(s): Certified copy(ies) of ____ patent application No(s). _____, filed in _____ on _____ from which priority is claimed under 35 U.S.C. §119.
- ☐ [] Formal drawings: ____ sheets.
- ☐ [] Information Disclosure Statement, Form PTO-1449, and cited references.
- ☐ [] Preliminary Amendment.
- ☐ [] Nucleotide and/or Amino Acid Sequence Submission, including:
 - ☐ [] Computer readable copy ☐ [] Paper Copy ☐ [] Verified Statement
- ☒ [X] Petition for 2 Month Extension of Time and requisite fee.
- ☒ [X] Request for Refund.

- ☐ Request for Corrected Filing Receipt. Attached is a marked-up copy of the Filing Receipt showing corrections.
- ☒ Applicant(s), by its/their undersigned attorney, claim(s) Small Entity Status under 37 C.F.R. §1.27 as ☐ an Independent Inventor, or ☐ a Small Business Concern, or ☒ a Non-Profit Organization.
- ☒ The following fees noted below are being paid:
- ☒ Surcharge of **\$65.00** for late filing of filing fee and/or Declaration and Power of Attorney.
- ☐ Surcharge of **\$65** for late filing of English translation.
- ☒ Extension of Time fee **\$195.00** for 2 month extension of time.
- ☒ Enclosed is our firm's check in the amount of **\$260.00** for the above fee.
- ☒ The Commissioner is hereby authorized to charge and/or credit Deposit Account No. 50-0310 (billing code 53689-5006) as noted below. A duplicate copy of this sheet is enclosed.
- ☐ The above-calculated fee(s) calculated totaling \$____.00.
- ☒ Any overpayments or deficiencies in the above-calculated fee(s).
- ☒ Any additional fees required under 37 C.F.R. §1.16 or §1.17.
- ☒ In the event that a Petition for Extension of Time is required during the prosecution of this application, but not submitted, please charge any extension fee under 37 C.F.R. §1.136(a) to our Deposit Account noted above.

Respectfully submitted,

PROCKOP ET AL.

April 5 2001
Date

By: Kathryn Doyle
KATHRYN DOYLE, Ph.D., J.D.
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E-Mail: kdoyle@morganlewis.com

Enclosures (Check; Copy of Notice to File Missing Parts; Declaration; Revocation)



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/695,769	10/25/2000	Darwin J Prockop	9598-101U2(99-0356)

000570
AKIN GUMP STRAUSS HAUER & FELD LLP
ONE COMMERCE SQUARE
2005 MARKET STREET SUITE 2200
PHILADELPHIA, PA 19103

FORMALITIES LETTER



OC000000005636069

Date Mailed: 12/22/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

04/10/2001 MBERHE 00000059 09695769

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65.00 OP